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Corporation; Polo Retail, LLC; Polo Ralph Lauren Corporation,  
doing business in California as Polo Retail Corporation; and  
Fashions Outlet of America, Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANN OTSUKA, an individual and on behalf  
of all others similarly situated; JANIS  
KEEFE, an individual; CORINNE PHIPPS,  
and individual; JUSTIN KISER, an  
individual; and RENEE DAVIS,

Plaintiff,

v.

POLO RALPH LAUREN CORPORATION;  
POLO RETAIL, LLC; POLO RALPH  
LAUREN CORPORATION, DOING  
BUSINESS IN CALIFORNIA AS POLO  
RETAIL CORPORATION; AND  
FASHIONS OUTLET OF AMERICA, INC.,

Defendants.

Case No. C07-02780 SI

**POLO RALPH LAUREN CORPORATION'S  
[PROPOSED] VOIR DIRE QUESTIONS**

Dept.: Courtroom 10, 19<sup>th</sup> Floor  
Judge: Hon. Susan Illston

Trial Date: March 8, 2010

Defendants Polo Ralph Lauren Corporation; Polo Retail, LLC; Polo Ralph Lauren Corporation, doing business in California as Polo Retail Corporation; and Fashions Outlet of America, Inc. ("Polo") hereby submit the following proposed *voir dire* questions for prospective jurors to be provided in addition to the standard *voir dire* and screening questions (occupation, prior jury and litigation experience, familiarity with parties, witnesses and attorneys, role of jury).

### **Class Actions**

1. Have you, or any of your close friends or relatives, been a party to a class action, either as a class representative or a member of the class?

(a) If so, describe the class, your role, how it was resolved and your view of the process.

### **Employment Issues**

2. Have you, or a family member, or any of your close friends, worked in retail?

(a) If so, describe the position, experience, retail company, and how you were compensated.

(b) If so, describe the background or training.

3. Have you, or a family member, or any of your close friends, worked in the retail clothing industry in a sales or any other position?

(a) If so, describe the position and experience.

4. Have you, or a family member, or any of your close friends, worked in a position where your compensation was commission based?

(a) If so, describe the type of work and how the commission was calculated.

5. Have you, or a family member, or any of your close friends, worked in a position where you were required to undergo a loss prevention inspection prior to departing at the end of your work day?

(a) If so, describe the position and experience.

(b) Were you paid for the time?

6. Have you, or a family member, or any of your close friends had a dispute with your employer?

1 (a) If so, describe the nature of the dispute; how you addressed it, the outcome and  
2 if you were satisfied with the outcome

3 7. Do you, or a family member, or any of your close friends, have any human resources,  
4 human relations, legal background or training?

5 8. Where do you currently shop for your apparel?

6 9. In a dispute between an employer and an employee, would you tend to side with one  
7 or the other, and if so, which? Why?

8 10. Have you ever felt taken advantage of as an employee? If so, describe the  
9 circumstances and how you resolved the issue.

10 11. Would you be able to separate out any potentially natural feelings or sympathy for the  
11 Plaintiff Class merely because it has made a claim, and decide the case on the law and evidence?

12 **Corporate Attitude**

13 12. Have you or any of your close friends or family member been an officer or a board  
14 member of a corporation?

15 13. Have you, or any of your close friends or relatives, ever shopped at a Polo Ralph  
16 Lauren store, or a Polo outlet store?

17 (a) If so, describe the location and experience.

18 14. The fact that Polo Ralph Lauren is a corporation should not affect your deliberations  
19 or your verdict. You may not discriminate between a company and individuals. Both are persons in  
20 the eyes of the law and both are entitled to have a fair and impartial trial based on the same legal  
21 standards.

22 15. Would you have a tendency to find against Polo Ralph Lauren Corporation just  
23 because it is a corporation?

24 16. Do you have any feelings one way or the other regarding Polo Ralph Lauren  
25 Corporation that would prevent you from being a completely fair and impartial juror in this case?

26 17. Do you have a problem or objection with the law that treats corporations in the same  
27 manner as natural individuals?  
28

1 18. Do you think you can judge the conduct of Polo differently than you would judge the  
2 conduct of an individual?

3 19. Do you think persons who testify during this trial on behalf of Polo have reason to be  
4 more or less truthful than an individual testifying on his or her own behalf.

5 20. Do any of you have any belief or feeling for or against corporations that might prevent  
6 you from being a completely fair and impartial juror in this case?

7 **Training/Experience**

8 21. Have you taken any courses or had any training or work experience in the following:

9 (a) Accounting/finance;

10 (b) Law;

11 (c) Human Resources or Human Relations;

12 (d) Statistics or Implementation of Surveys;

13 (e) If so, please explain the training or experience.

14 22. Have you or a member of your family ever owned or run a business?

15 (a) If so, please identify who, describe the business, its size, whether you had any  
16 dispute with your employees over wage and hour issues.

17 23. Have you or anyone in your family ever sued or been sued by anyone? If so, please  
18 explain.

19 **Punitive Damages**

20 24. Do you have any familiarity with the term “punitive damages?”

21 25. Do you have strong feelings one way or another about awarding punitive damages in a  
22 civil case?

23 26. Will you have difficulties following the Court’s instructions in relation to awarding  
24 punitive damages under the law?

25 27. Do you believe that punitive damage awards are routinely awarded by sympathetic  
26 juries in civil cases?

1 Dated: February 26, 2010

GREENBERG TRAURIG, LLP

3 By: /s/ William J. Goines

4 William J. Goines

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5 Cindy Hamilton

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